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File #: 200772

May 20, 2024

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Pennsylvania Public Utility Commission, et al. v. Duquesne Light Company
Docket Nos. R-2024-3046523, et al.**

Dear Secretary Chiavetta:

Attached for filing is the Answer and New Matter of Duquesne Light Company to the Petition to Intervene of the International Brotherhood of Electrical Workers, AFL-CIO, Local Union 29 in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Megan E. Rulli

MER/dmc
Attachment

cc: Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served upon the following persons, in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant).

VIA EMAIL

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DATE: May 20, 2024



Megan E. Rulli

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :
et al., :
 :
v. :
 : Docket No. R-2024-3046523, *et al.*
Duquesne Light Company :
 :
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NOTICE TO PEAD

YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE WITHIN NEW MATTER WITHIN 20 DAYS OF SERVICE PURSUANT TO 52 PA. CODE §5.63 OR A JUDGMENT MAY BE ENTERED AGAINST YOU. YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR REPLY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

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Date: May 20, 2024

Attorneys for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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| Pennsylvania Public Utility Commission, | : | |
| <i>et al.</i> , | : | |
| | : | |
| v. | : | |
| | : | Docket No. R-2024-3046523, <i>et al.</i> |
| Duquesne Light Company | : | |
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**ANSWER AND NEW MATTER OF
DUQUESNE LIGHT COMPANY TO THE PETITION TO INTERVENE
OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS,
AFL-CIO, LOCAL UNION 29**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Duquesne Light Company (“Duquesne Light” or the “Company”) files this Answer and New Matter to the Petition to Intervene (“Petition”) of the International Brotherhood of Electrical Workers, AFL-CIO, Local Union 29 (“IBEW Local 29”) pursuant to Sections 5.61, 5.62, and 5.66 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code §§ 5.61, 5.62, and 5.66. Duquesne Light files this Answer and New Matter to raise a limited objection to the Petition. Specifically, Duquesne Light objects to the Petition only to the extent that IBEW Local 29 is not currently represented by legal counsel and to respectfully request that IBEW Local 29 be required to retain counsel to intervene in the above-captioned proceeding. In support thereof, Duquesne Light responds to each of the separately-numbered paragraphs of the Petition as follows:

I. BACKGROUND

On March 20, 2024, Duquesne Light filed its Supplement No. 71 to Tariff Electric Pa. P.U.C. No. 25, along with all supporting exhibits, standard data responses and testimony required to be submitted in conjunction with a tariff change seeking a general rate increase before the Commission. In Supplement No. 71, the Company is proposing a general increase in electric distribution rates of approximately \$133 million. Because the proposed base rate increase includes \$32 million of revenues currently recovered under surcharges, the proposed increase to customers over current charges is \$101 million. The filing also included a request for Commission approval of the following alternative rate mechanisms: (1) Community Development Rider; (2) Residential Managed Charging and Behavioral Load Management Pilots; and (3) Electric Vehicle Time of Use Distribution Rates in accordance with 66 Pa. C.S. § 1330 (related to alternative ratemaking for utilities).

On April 30, 2024, IBEW Local 29 filed and served its Petition to Intervene in the above-captioned rate case.

ANSWER

Duquesne Light denies all material allegations in IBEW Local 29's Petition to Intervene unless specifically admitted. Duquesne Light further reserves the right to address any and all issues as may be necessary throughout the course of this proceeding.

1. Admitted.
2. Admitted. By way of further response, while individuals can represent themselves *pro se* in Commission proceedings, individuals cannot represent entities other than themselves in adversarial proceedings, such as base rate case proceedings. *See* 52 Pa. Code § 1.21(a)-(b). Therefore, Duquesne Light maintains that IBEW Local 29, a labor union, requires legal representation to participate in this proceeding. As such, Duquesne Light objects to the Petition

only to the extent that IBEW Local 29 is not currently represented by legal counsel and respectfully requests that IBEW Local 29 be required to retain counsel in order to intervene in the above-captioned proceeding.

3. Admitted.

4. Denied as stated. By way of further response, the Company filed Supplement No. 71 to the Company's Tariff Electric - Pa. P.U.C. No. 25 on March 20, 2024, and that the proposed tariff, if approved, would increase the total distribution rates of Duquesne Light by \$133 million per year. However, because the proposed base rate increase includes \$32 million of revenues currently recovered under surcharges, the proposed increase to customers over current charges is \$101 million.

5. Duquesne Light is without sufficient knowledge or information as to whether issues raised in the above-captioned proceeding “will or may affect [IBEW Local 29’s] interests as a representative of Duquesne Light’s employees and retirees and as a customer of Duquesne Light” or whether “[i]ssues may also be raised by various parties concerning the safety or reliability of Duquesne Light’s service that will or may have a direct effect on IBEW Local 29 and its members employed by Duquesne Light” and, therefore, denies the same.

6. Duquesne Light is without sufficient knowledge or information as to whether any other party to the above-captioned proceeding represents the interests of IBEW Local 29 and its members and, therefore, denies the same.

7. Duquesne Light is without sufficient knowledge or information as to the extent to which IBEW Local 29 intends to participate in the above-captioned proceeding and, therefore, denies the same. In further response, Duquesne Light incorporates Paragraph 2, *supra*, as though fully set forth herein.

NEW MATTER

8. Duquesne Light incorporates by reference Paragraphs 1 through 7 of the Answer, *supra*, as if fully set forth herein.

9. On April 30, 2024, IBEW Local 29 filed its Petition to Intervene in the above-captioned proceeding.

10. IBEW Local 29 is a labor union that represents approximately 850 employees of Duquesne Light and is also a customer of Duquesne Light. (Petition ¶ 2.)

11. In its Petition, IBEW Local 29 states that it “intends to actively participate in this proceeding limited to such matters that affect its interests as a customer of Duquesne Light and the interests of its members as employees and retirees of Duquesne Light.” (Petition ¶ 7.) The Petition also specifies that “[s]uch participation may include the presentation of direct or rebuttal testimony and the cross-examination of witnesses presented by Duquesne Light and other parties to this proceeding.” (Petition ¶ 7.)

12. To date, no attorney licensed in Pennsylvania or admitted pro hac vice has entered an appearance to represent IBEW Local 29 in the above-captioned proceeding.

13. While individuals can represent themselves *pro se* in Commission proceedings, individuals cannot represent entities other than themselves in adversarial proceedings. *See* 52 Pa. Code § 1.21(a)-(b).

14. Specifically, the Commission’s regulations state that, “[f]or purposes of this section, any request for a general rate increase . . . shall be considered to be an adversarial proceeding.” 52 Pa. Code § 1.21(b).

15. As such, Duquesne Light maintains that IBEW Local 29, a labor union, requires legal representation to participate in this proceeding.

16. Therefore, if the Petition to Intervene is granted, the Duquesne Light respectfully requests that the Commission enter an Order requiring IBEW Local 29 to retain counsel in order to intervene in the above-captioned proceeding.

WHEREFORE, Duquesne Light Company: (1) objects to the Petition to Intervene of the International Brotherhood of Electrical Workers, AFL-CIO, Local Union 29 to the extent that the labor union is not currently represented by legal counsel; and (2) respectfully requests that if the Petition to Intervene is granted, the Pennsylvania Public Utility Commission enter an Order requiring IBEW Local 29 to retain counsel in order to intervene in the above-captioned proceeding.

Respectfully submitted,

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Date: May 20, 2024

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